

REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

July 19, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, July 19, 2004, at 2:00 p. m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 7, 2004.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, and Mayor C. Nelson Harris-----7.

ABSENT: -----0.

The Mayor declared the existence of quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-JUVENILE CORRECTIONAL FACILITIES: The Mayor recognized and commended two employees from the Roanoke Valley Juvenile Detention Center who recently received awards from the National Juvenile Detention Association; i.e.: Rick Weekly who received the Bob Rader Detention Services Worker of the Year Award for helping to implement the video court system that allows juveniles to be arraigned without leaving the Juvenile Detention Facility; and Kelvin Edwards who received the Bob Rader Line Staff Worker of the Year Award for his participation in a program called Impact 180 which is a leadership based treatment alternative to State facilities for non violent offenders.

In recognition of their achievements, the Mayor presented Mr. Weekly and Mr. Edwards with silver stars engraved with the City of Roanoke's branding logo.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to four requests for Closed Session.

MINUTES: Minutes of the special meeting of Council held on Thursday, May 13, 2004, were before the body.

Mr. Dowe moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-- -----0.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950, as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950, as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-CITY COUNCIL-LIBRARIES: A communication from Council Member Brenda L. McDaniel tendering her resignation as a member of the Roanoke Public Library Board, effective immediately, was before the body.

Mr. Dowe moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

PARKS AND RECREATION-COMMITTEES: A communication from S. James Sikkema tendering his resignation as a member of the Parks and Recreation Advisory Board, effective immediately, was before Council.

Mr. Dowe moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

PARKS AND RECREATION-COMMITTEES: A communication from Carl H. Kopitzke, Chair, Parks and Recreation Advisory Board, advising of the resignation of Geraldine LaManna as a member of the Parks and Recreation Advisory Board, effective immediately, was before Council.

Mr. Dowe moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-CITY COUNCIL: A report of qualification of Brenda L. McDaniel as a Member of the Council of the City of Roanoke to fill the unexpired term of C. Nelson Harris, ending June 30, 2006, was before the body.

Mr. Dowe moved that the report of qualification be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

LEGISLATION-TOTAL ACTION AGAINST POVERTY: The following item was sponsored by Mayor C. Nelson Harris and Vice-Mayor Beverly T. Fitzpatrick, Jr.

Theodore J. Edlich, III, President, Total Action Against Poverty in Roanoke Valley; and Ann Fisher, Executive Director, Virginia CARES, expressed appreciation to the City of Roanoke for its assistance to ensure the survival of Virginia CARES, the statewide network of pre and post incarceration services.

Mr. Edlich advised that:

- In 1979, with the help of former Congressman M. Caldwell Butler, TAP launched the Virginia CARES Program, one of the first statewide networks of pre and post release services to State felons.

- Over the past 25 years, Virginia CARES has worked with more than 30,000 inmates and ex offenders by providing them with support for a crime free life with help in finding a job, housing, individual and peer support counseling and assistance in reconnecting with their families.
- Virginia CARES has been studied on two occasions by the Virginia Department of Corrections and has demonstrated success at recidivist reduction.
- The average cost for a Virginia CARES participant is \$229.00 compared with the cost of one year of incarceration at \$22,000.00; and costs to potential victims of crime is incalculable.
- More than 400 persons from the Roanoke area have come to the Virginia CARES offices, the overwhelming majority of whom are referrals from Probation and Parole.
- Currently, Virginia CARES makes up 75 per cent of the community based Papis system, pre and post release incarceration services in the Commonwealth of Virginia.
- It is not surprising that Virginia CARES has often been caught up in political infighting at the State level which has had nothing to do with the merits of the work provided by Virginia CARES, even though the number of prisoners released from State institutions is on a sharp rise and will continue to be so for the next decade.
- With the financial struggle in Richmond, the political struggle has worsened; two years ago, Virginia CARES was a victim of political infighting, all State general fund money was withdrawn and a portion was placed with Federal funds, requiring a difficult local match and the administration of a single local jurisdiction.

- For the period beginning January 2004 and ending June 2004, Roanoke City Council and the City Administration, at TAP's request, agreed to take on the fiscal and program oversight for the Virginia CARES network whose headquarters is based in Roanoke, and, without the City's assistance, Virginia CARES would most likely have folded.
- Congressman Bob Goodlatte, assisted by former Congressman Butler, used their connections to secure a \$300,000.00 Federal earmark in 2003 and a \$1,500,000.00 Federal earmark in 2004 to continue all pre and post release incarceration services to Virginia's ex offenders.

Mr. Edlich advised that in 2005, Virginia CARES will renew its fight to reclaim general fund monies for this important public safety program, and it is hoped that the City of Roanoke will consider making Virginia CARES and the Papis Programs a part of the City of Roanoke's legislative agenda for the upcoming legislative session.

Mr. Edlich recognized former Congressman M. Caldwell Butler, who was in the audience, and formally expressed appreciation to Congressman Goodlatte and former Congressman Butler for their support of Virginia CARES.

Members of Council commended Virginia CARES for the many contributions that the organization has made to the Roanoke Community.

Without objection by Council, the Mayor advised that the remarks of Mr. Edlich would be received and filed; and requested that Mr. Edlich provide the appropriate information to the City Attorney for inclusion in the City of Roanoke's proposed 2005 Legislative Program.

ANNUAL REPORTS-HOUSING/AUTHORITY: The following item was sponsored by the City Manager.

Nancy Canova, Chair, Fair Housing Board, presented the 2004 Annual Report of the Fair Housing Board. She advised that:

- Ambitious plans for outreach and education were put on hold for much of the year while the Fair Housing Board worked with the City Attorney's Office to propose amendments to the City Code reflecting updates to current Federal and State Fair Housing regulations and revising the responsibilities of the Board.

- Adoption by Council of the amendments on March 1, 2004, assured that all Federal and State protected classes are now incorporated in the City Code and expanded responsibilities of the Fair Housing Board, by emphasizing its role to provide information to the public concerning Federal, State and City fair housing laws.
- In April, the Board published Fair Housing: What You Need to Know for distribution to the public; the publication contains information on Federal, State and local fair housing laws, issues in mortgage lending and homeowners insurance, laws affecting accessibility and the Virginia Residential Landlord and Tenant Act.
- The Board sponsored a workshop in April featuring a representative from the Virginia Fair Housing Office and the Bazelon Center for Mental Health Laws which was attended by 81 participants representing members of the Roanoke Valley Apartment Association, Roanoke Redevelopment and Housing Authority, Section 8 landlords, community agencies and groups, banks, and realtors.

Ms. Canova further advised that the Fair Housing Board is committed to moving forward this year, to building on the work that was done in the past fiscal year, to collect data on any fair housing complaints in the City, to gain the cooperation of community agencies and groups that serve persons in the protected classes under the fair housing laws in order to receive data to guide the Board in targeting its educational plan to meet local needs; and collaboration may enable the Board to advise Council about the nature, causes and possible solutions to fair housing issues. She stated that the Board plans to sponsor a workshop on predatory lending which was delayed from the last fiscal year.

There being no questions or comments by Council, the Mayor expressed appreciation for the work of the Fair Housing Board and advised that the Annual Report would be received and filed.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

GRANTS-ROANOKE AREA MINISTRIES: The City Manager submitted a communication advising that on May 12, 2003, Council approved the 2003-2004 Community Development Block Grant program and on June 16, 2003, Council appropriated funds, in the amount of \$20,000.00, toward rehabilitation of the Roanoke Area Ministries facility, located at 824 Campbell Avenue, S. W.; on October 22, 2003, an agreement was entered into between the City of Roanoke and Roanoke Area Ministries for said work; on May 13, 2004, Council approved submission of the 2004-2005 Annual Update to the Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD); and on June 21, 2004, Council accepted 2004-2005 CDBG funds and appropriated an additional \$80,000.00 of CDBG funds to Roanoke Area Ministries for the completion of rehabilitation.

It was further advised that authorization by Council is needed in order to amend the subgrant agreement with Roanoke Area Ministries to provide additional funding in the amount of \$80,000.00; and funding is available in Account No. 035-G05-0520-5400.

The City Manager recommended that she be authorized to execute Amendment No. 1 to the Subgrant Agreement between the City of Roanoke and Roanoke Area Ministries, to be approved as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following resolution:

(#36776-071904) A RESOLUTION authorizing the City Manager to execute Amendment No. 1 to the Subgrant Agreement between the City and Roanoke Area Ministries in order to provide additional Community Development Block Grant (CDBG) funds for completion of rehabilitation of the Roanoke Area Ministries facility, located a 824 Campbell Avenue, S. W.

(For full text of Resolution, see Resolution Book No. 68, Page 17.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36776-071904. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-ROANOKE INTERAGENCY COUNCIL: The City Manager submitted a communication advising that Section 2.2-5204 of the Code of Virginia (1950), as amended, requires that Council appoint a Community Policy and Management Team (CPMT) to oversee Roanoke's efforts supporting the Comprehensive Services Act for At-Risk Youth and Families; and Section 2.2-5205 of the Code of Virginia (1950), as amended, states that membership of the local CPMT shall include, at a minimum, the following individuals:

- At least one elected official or appointed official, or his designee, from the governing body;
- The local agency heads, or their designees, of the following community agencies:
 - Community Services Board
 - Juvenile Court Services Unit
 - Department of Health
 - Department of Social Services and
 - The local School Division.

It was further advised that the team shall also include a representative of a private organization providing children's or family services and a parent representative; and a locality may appoint other members to the team, including, but not limited to, a local government official, a local law-enforcement official and representatives of other public agencies; Council previously adopted Resolution No. 31301-011193 establishing membership of the Roanoke Interagency Council (RIC) as Roanoke's CPMT; and Council has since reaffirmed, or amended, membership of the RIC on two additional occasions, pursuant to Resolution No. 34775-050100 and Resolution No. 35101-101600.

It was noted that the Roanoke Interagency Council has been engaged in a study of local Comprehensive Services Act operations since March 2004, and recently adopted a set of strategic objectives that will help to ensure that future operations will be as cost-effective as possible; and for the objectives to be realized, it is important that all involved community agencies work together toward common goals and that the appropriate individuals be active members of the Roanoke Interagency Council.

The City Manager recommended that Council adopt a resolution to establishing membership of the Roanoke Interagency Council, as follows:

- A local Government Representative
- The agency head, or their designee, for the Community Services Board
- The agency head, or their designee, for the Juvenile Court Services Unit
- The agency head, or their designee, for the Roanoke Department of Health
- The agency head, or their designee, for the Department of Social Services
- The agency head, or their designee, for the Roanoke City Public Schools
- A Private provider of Children's or Family Services
- A Representative from the Roanoke City Police Department
- A Parent Representative

The City Manager recommended that Council adopt a resolution appointing the following persons to the Roanoke Interagency Council:

- Rolanda Russell, Assistant City Manager, City of Roanoke
- James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare
- Rodney Hubbard, Director, 23-A District Court Service Unit
- Jane Conlin, Director of Human Services/Social Services, City of Roanoke
- Doris Ennis, Acting Superintendent, Roanoke City Public Schools
- Patty Tiller, District Nurse Manager, Alleghany/Roanoke City Health Districts
- John Pendarvis, President and CEO, Family Service of Roanoke Valley
- Captain Rusty Ross, Roanoke City Police Department

It was advised that City staff is searching for a Parent Representative candidate to serve on the Roanoke Interagency Council; and the resolution designates the Director of Management and Budget, or his designee, to serve as program expenditure monitor.

Mr. Fitzpatrick offered the following resolution:

(#36777-071904) A RESOLUTION re-establishing the membership of the Roanoke Interagency Council.

(For full text of Resolution, see Resolution Book No. 68, Page 18.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36777-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-DISABILITY SERVICES BOARD: The City Manager submitted a communication advising that the Fifth Planning District Commission Disability Services Board (DSB) is responsible to local governments and serves as a critical resource for needs assessment, information sharing and service opportunities for citizens with disabilities, their families and the community; the following jurisdictions in the Fifth Planning District have enacted resolutions establishing participation in a regional effort and have appointed a local official to serve: the Cities of Roanoke, Salem, and Covington; the Counties of Roanoke, Craig, Botetourt, and Alleghany, and the Towns of Clifton Forge and Vinton; and other members of the DSB include representatives from business and consumers.

It was further advised that Council authorized the Director of Finance to serve as fiscal agent for the Fifth Planning District Disabilities Services Board on September 25, 1995, pursuant to Resolution No. 32675-092595; and the State Department of Rehabilitative Services has allocated funds in the amount of \$14,800.00 for a one-year period to continue local staff support of administration of the Fifth District DSB.

The City Manager recommended that she be authorized to enter into a contract with existing DSB staff support to continue the provision of providing local administrative support, and that Council authorize appropriation of \$14,800.00 to Grant Fund Account No. 035-630-5170-2010 and establish a corresponding revenue estimate in an account to be established by the Director of Finance to provide funding for the Fifth District DSB.

Mr. Dowe offered the following budget ordinance:

(#36778-071904) AN ORDINANCE to establish the Fifth District Disabilities Services Board Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 20.)

Mr. Dowe moved the adoption of Ordinance No. 36778-071904. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36779-071904) A RESOLUTION authorizing the City Manager to enter into a contract with Fifth District Disability Services Board ("FDDSB") staff to provide continuing local administrative staff support; upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 68, Page 21.)

Mr. Dowe moved the adoption of Resolution No. 36779-071904. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

SEWERS AND STORM DRAINS-BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that a settlement with Lumbermens Mutual Casualty Company, surety, has been reached for the Trevino Drive Storm Drain Phase I Project; proceeds from the settlement, in the amount of \$25,000.00, need to be appropriated to the Trevino Drive Drainage Phase I account in the Capital Projects Fund; and settlement money, in conjunction with remaining project funds, which includes retainage the City will keep as part of the settlement, will provide for all necessary repairs to complete the Trevino Drive Storm Drain Phase I Project.

The City Manager recommended that Council appropriate \$25,000.00 to Account No. 008-530-9780-9003, Trevino Storm Drain Phase I, and establish a revenue estimate in the same amount in the Capital Projects Fund.

Mr. Dowe offered the following budget ordinance:

(#36780-071904) AN ORDINANCE to appropriate third party funding for the Trevino Drive Storm Drain Phase I Project, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 22.)

Mr. Dowe moved the adoption of Ordinance No. 36780-071904. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-ENTERPRISE ZONE: The City Manager submitted a communication advising that on September 15, 2003, Council adopted Resolution No. 36494-091503 authorizing the City Manager to apply to the Department of Housing and Community Development for an Enterprise Zone designation, since the designation the City had enjoyed since 1984 would expire on December 31, 2003; and on June 21, 2004, the Commonwealth of Virginia approved the City of Roanoke's application, thereby designating the area of the City selected by the City as an Enterprise Zone, to be called Enterprise Zone One A, effective retroactively to January 1, 2004.

It was further advised that a requirement of such Enterprise Zone designation is that the City of Roanoke will offer certain local incentives; eight local incentives were a part of the application previously approved by Council, however, it will be necessary for Council to adopt ordinances implementing the incentives; and local incentives consist of the following: (1) façade grants, (2) partial real estate tax exemption for rehabilitated or renovated buildings (to be effective July 19, 2004), (3) development fee rebates, (4) water, fire and sewer hookup grants (this local incentive was changed from a rebate to a grant through the IDA since the Western Virginia Water Authority will receive the hookup fees), (5) new fire suppression system retrofit grants and fire hookup grants, (6) neighborhood and parks grants, (7) business security grants, (8) and job training grants.

The City Manager recommended that Council adopt two measures; i.e.: one establishing local incentives and one adding a new City Code Division 5B to Article II, Real Estate Taxes Generally, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended; authorize the City Manager to make appropriate rules and regulations to implement local incentives for Enterprise Zone One A; authorize the Director of Real Estate Valuation to adopt rules for administration of new Division 5B; and appropriate funds in the amount of \$200,000.00 for façade grants to Account No. 008-310-9736-9003 (Façade Grants) and \$100,000.00 for Fee Rebates and Other Incentives to Account No. 008-310-9738-9003 (Enterprise Zone Fee Rebates) from Capital Project Interest Earnings (008-3325).

Mr. Fitzpatrick offered the following budget ordinance:

(#36781-071904) AN ORDINANCE to appropriate funding for the Enterprise Zone One Project, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 23.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36781-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following ordinance:

(#36782-071904) AN ORDINANCE approving, adopting, and establishing certain local incentives for the area designated as Enterprise Zone One A in the City of Roanoke; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 24.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36782-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following ordinance:

(#36783-071904) AN ORDINANCE amending and reordaining Article II, Real Estate Taxes Generally, of Chapter 32 Taxation, of the Code of the City of Roanoke (1979), as amended, by adding a new Division 5B, Exemption of Certain Rehabilitated or Renovated Commercial, Mixed-Use Commercial with no more than 80% Residential, or Industrial Real Property Located in Enterprise Zone One A, to provide for a certain real estate tax exemption for substantial rehabilitation or renovation of existing commercial, mixed use commercial with no more than 80% residential, or industrial buildings at least 15 or more years old and located within Enterprise Zone One A under certain terms and conditions; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 30.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36783-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-GRANTS: The City Manager submitted a communication advising that notification has been received from the Commonwealth of Virginia Commission for the Arts (Commission) that a \$5,000.00 Local Government Challenge Grant has been awarded to the City of Roanoke; and application for the grant was made at the request of the Arts Council of Roanoke Valley, Mill Mountain Theatre, Opera Roanoke, Roanoke Symphony Orchestra, and Young Audiences of Virginia.

It was further advised that in order to receive funds, the Commission must obtain written confirmation that local tax revenue dollars will be used to match or exceed the amount of the grant; and for fiscal year 2004-2005, the above listed organizations will receive local funding, as recommended by the Roanoke Arts Commission and approved by Council on June 6, 2004, in the following amounts:

• Arts Council of Blue Ridge	\$14,083.00
• Mill Mountain Theatre	\$11,792.00
• Opera Roanoke	\$ 8,167.00
• Roanoke Symphony Orchestra	\$27,800.00
• Young Audiences of Virginia	\$ 4,167.00

Grant funds will be distributed to the five sponsoring agencies in the amount of \$1,000.00 each.

The City Manager recommended that she be authorized to execute the required documents for acceptance of the grant, said documents to be approved as to form by the City Attorney; and that Council appropriate \$5,000.00 in State grant funds and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund entitled, "Challenge Grant fiscal year 2005".

Mr. Cutler offered the following budget ordinance:

(#36784-071904) AN ORDINANCE to establish the Local Government Challenge Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 34.)

Mr. Cutler moved the adoption of Ordinance No. 36784-071904. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Cutler offered the following resolution:

(#36785-071904) A RESOLUTION authorizing the acceptance of a Local Government Challenge Grant, Number 05-0014, from the Virginia Commission for the Arts.

(For full text of Resolution, see Resolution Book No. 68, Page 35.)

Mr. Cutler moved the adoption of Resolution No. 36785-071904. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-EMERGENCY SERVICES-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Emergency Management has announced allocation of the 2004 U. S. Department of Homeland Security (DHS), State Homeland Security Program Grant; and the grant is designed to provide equipment, training, planning and exercises for first responders to develop better preparedness to prevent, respond and recover from potential acts of terrorism.

It was further advised that the City of Roanoke has been allocated a total of \$314,433.00 under the grant which is based upon a formula that provided \$15,000.00, plus \$3.15 per capita to the locality; funds will be made available upon review of the budget detail listing and approval by the Virginia Department of Emergency Management; funding, which requires no local match, must be used according to the requirements specified by the Department of Homeland Security; the 2004 grant allows expenditure of grant funds in four areas of need: equipment acquisition, training, planning, and exercise; and equipment purchases must conform to the Office of Domestic Preparedness Authorized Equipment List.

The City Manager recommended that she be authorized to execute, on behalf of the City of Roanoke, any documentation required in connection with obtaining and accepting the State Homeland Security Grant in the above referenced amount, to provide any additional information and to take any additional action that may be needed to implement and administer the grant funds and agreements, such documents to be approved as to form by the City Attorney; and that Council appropriate of \$314,433.00 to an account in the Grant Fund to be established by the Director of Finance and establish a revenue estimate in the same amount.

Mr. Dowe offered the following budget ordinance:

(#36786-071904) AN ORDINANCE to establish the State Homeland Security Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 36.)

Mr. Dowe moved the adoption of Ordinance No. 36786-071904. The motion was seconded by Mr. Cutler.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., advised that it would appear that the City of Roanoke has given in to terrorism on a local level by closing access to the Mill Mountain Star at 11:00 p.m. He inquired if any of the Homeland Security Grant funds could be used to address security measures in the vicinity of the Star, thus allowing for access to the Mill Mountain Star for longer periods of time, if not 24 hours a day.

Council Member Lea inquired as to whether there are training opportunities for police officers as a result of the Homeland Security Grant; whereupon, the City Manager advised that the City of Roanoke was the first Police Department in the Commonwealth of Virginia and one of the first Police Departments in the country after September 11 to initiate a Homeland Security Program; and to that end, several of Roanoke's Police Officers have provided training throughout the state and throughout the United States on Homeland Security; and the City of Roanoke has received national recognition for its Homeland Security training. She noted that \$230,000.00 of the \$314,000.00 allocation will be dedicated to the Fire Department for emergency response equipment needs.

Council Member Cutler requested that the City Manager describe existing channels of communication between the City and the Department of Homeland Security with regard to stepped up alerts, etc.

The City Manager responded that when the country was going through a series of upgrades and downgrades of alerts, information was received electronically as well as by telephone. She referred to the proposed upgrade of the radio system interface throughout the Commonwealth of Virginia that will link all emergency personnel; and locally, the City and the County have been on the same radio frequency for a number of years, and was one of the first regional activities that was undertaken in the public safety arena.

There being no further discussion, Ordinance No. 36786-071904 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36787-071904) A RESOLUTION authorizing the acceptance of the 2004 U. S. Department of Homeland Security Grant from the Virginia Department of Emergency Management to obtain federal funds under the State Homeland Security Grant Program administered by the Office of Domestic Preparedness and authorizing the execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 68, Page 37.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36787-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-DONATIONS/CONTRIBUTIONS-CITY

SHERIFF: The City Manager submitted a communication advising that First Team, Inc. d/b/a First Team Auto Mall of Roanoke wishes to donate the sum of \$11,732.00 to the City of Roanoke to be used for two years of lease payments on a new 2004 Nissan Xterra D.A.R.E. vehicle for use by the Roanoke City Sheriff's Office; the vehicle will enable deputies assigned to the D.A.R.E. program to enhance their promotion of a drug and violence free environment, through positive interactions with law enforcement officers; and the lease will continue for two years.

It was further advised that City of Roanoke Fleet Management personnel have agreed to the upkeep and maintenance of the vehicle; if accepted, the D.A.R.E. vehicle will be equally displayed throughout the 21 elementary schools within the City of Roanoke; and value of the lease donation exceeds \$5,000.00, which requires approval by Council to accept the donation.

The City Manager recommended that she be authorized to enter into a lease agreement between Nissan Motor Acceptance Corporation, First Team Auto Mall, and the City of Roanoke, to acquire a 2004 Nissan Xterra for the Roanoke City Sheriff's Office D.A.R.E. program; and authorize the Director of Finance to establish a revenue estimate, in the amount of \$11,352.00, in the Grant Fund and appropriate funds in the same amount to an expenditure account.

Mr. Dowe offered the following budget ordinance:

(#36788-071904) AN ORDINANCE to appropriate funding for the lease of a D.A.R.E. vehicle and establish a donation, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 38.)

Mr. Dowe moved the adoption of Ordinance No. 36788-071904. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36789-071904) A RESOLUTION accepting the donation of \$11,731.52 from First Team, Inc., to be used by the Roanoke City Sheriff's Office for the lease payments of a new DARE vehicle, and expressing appreciation for such donation.

(For full text of Resolution, see Resolution Book No. 68, Page 39.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36789-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

ANIMALS/INSECTS-FIREARMS: The City Manager submitted a communication advising that last winter, the City of Roanoke began a deer management program in response to citizen concerns regarding deer overpopulation; 109 deer were taken by City-employed sharpshooters over the 2003-2004 season; as a part of the deer management program, the City supported an amendment to Section 29.1-529, Code of Virginia, to take deer over bait under specific conditions approved by the Virginia Department of Game and Inland Fisheries; the amendment provides that "the Director [of Game and Inland Fisheries] or his designee may authorize, subject to the provisions of this section, the killing of deer over bait within the political boundaries of any city or town in the Commonwealth when requested by a certified letter from the governing body of such locality"; and authorizing the taking of deer over a baited area would allow the option of a sizeable herd reduction.

The City Manager recommended that she be authorized to send, for and on behalf of City Council, a certified letter to the Director of Game and Inland Fisheries requesting that he authorize the killing of deer over bait in the City; and that she be further authorized to execute a revised Memorandum of Understanding with the Department of Game and Inland Fisheries to allow the taking of deer over bait, such document to be approved as to form by the City Attorney.

Mr. Cutler offered the following resolution:

(#36790-071904) A RESOLUTION authorizing the City Manager to send for and on behalf of City Council a certified letter to the Director of Game and Inland Fisheries requesting that he authorize the taking of deer within the City of Roanoke over bait; and authorizing the City Manager to execute a revised Memorandum of Understanding with the Department of Game and Inland Fisheries to allow the taking of deer over bait as part of the City's Deer Management Program.

(For full text of Resolution, see Resolution Book No. 68, Page 40.)

Mr. Cutler moved the adoption of Resolution No. 36790-071904. The motion was seconded by Mr. Fitzpatrick.

Mr. William J. Bryant, 124 Fleming Avenue, N. W., advised that controlling the deer population with hand guns or rifles could pose a dangerous threat to persons living in the area and other animals. He stated that he is against the killing of animals and the City of Roanoke should weigh all of the pros and cons before engaging in a deer abatement program.

Upon execution of a Memorandum of Understanding with the Department of Game and Inland Fisheries to allow the taking of deer over bait, the City Manager was requested to review action that will then be taken by the City.

The City Manager responded that a request to allow the City to hunt deer over bait was included in the City's 2004 Legislative Program that was presented to the General Assembly. Under current legislation last year, she stated that the City was unable to hunt deer with bait, yet a consultant previously advised the City of Roanoke and other communities that the best way to cause a significant reduction in the deer population would be to bait an area, draw the deer into the area, and cause the reduction to occur in significant ways; last year, using retired police officers, 109 deer were removed which was a small number by comparison to the number that is problematic within the community; and deer over population is an increasing problem in the City of Roanoke. She stated that if Council approves the recommendation, it is intended to contract with a consulting group in the fall of 2004 to address the deer reduction program, which is the preferred method and is the method that the Task Force supported. She advised that a group of individuals, including some members from the prior deer management group, is reviewing other wildlife in the City that are presenting problems; much of the wildlife coming into the City is the result of development which is occurring in other areas; and a one season culling of the deer population will not solve the problem, but it is a problem that Council has indicated a desire to correct and the taking of deer over bait is the best and most effective way to address the situation.

Council Member Wishneff advised that one of the issues on which he campaigned was that he would vote against the killing of deer, because it is cruel and unusual to bait and then kill deer.

Resolution No. 36790-071904 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel and Cutler---5.

NAYS: Council Member Wishneff and Mayor Harris-----2.

DIRECTOR OF FINANCE:

CITY TREASURER-CLERK OF COURTS-CITY SHERIFF-COMMONWEALTH'S ATTORNEY: The Director of Finance submitted a written report advising that Council adopted Ordinance No. 36313-051203 on May 12, 2003, establishing salaries for the City's Constitutional Officers as of July 1, 2003; Constitutional Officers include the Commonwealth's Attorney, Clerk of Circuit Court, Commissioner of the Revenue, Sheriff, and Treasurer; the ordinance stated in part, "It is the intent of Council that, in future years, the Constitutional Officers will receive the average percentage increase approved by City Council for City employees"; raises for Constitutional Officers were inadvertently omitted from the annual pay plan ordinance adopted by Council on May 13, 2004; therefore, action by Council is needed to formally adopt pay raises, effective July 1, 2004, and in future years, pay raises for Constitutional Officers will be included in the annual pay plan ordinance.

The Director of Finance recommended that Council adopt an ordinance increasing the annual salary of the City's Constitutional Officers by 3.0 per cent, which is the average percentage increase approved by City Council for City employees, effective July 1, 2004.

Mr. Cutler offered the following ordinance:

(#36791-071904) AN ORDINANCE establishing compensation for the Clerk of Court, Commonwealth's Attorney, Commissioner of Revenue, City Sheriff, and City Treasurer, the City's Constitutional Officers, for the fiscal year beginning July 1, 2004; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 41.)

Mr. Cutler moved the adoption of Ordinance No. 36791-071904. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A report from the Roanoke City School Board requesting the following appropriations and transfers of funds was before Council:

- \$490,000.00 for a three-classroom addition with a covered walk and corridor extension at Crystal Spring Elementary School, which project will be funded from the Board's construction contingency fund.
- \$82,000.00 for the Comprehensive School Reform Title I-F Grant program to provide for replication of successful intervention programs from other school divisions at Huff Lane School; the program will provide staffing for a MicroSociety program which includes staff development and skills instruction for students; and the continuing program is 100 per cent reimbursed by Federal funds.
- \$82,000.00 for the Comprehensive School Reform Title I-F Grant program to provide for replication of successful intervention programs from other school divisions at Oakland School; the program will provide staff development for teachers and math skills instruction for students; and the continuing program is 100 per cent reimbursed by Federal funds.
- \$41,278.00 for the Learn and Serve program to provide hands-on education and career development for students at William Fleming and Taylor Learning Academy, which new program is 100 per cent reimbursed by Federal funds.

The Director of Finance submitted a written report recommending that Council concur in the request of the School Board.

Mr. Dowe offered the following budget ordinance:

(#36792-071904) AN ORDINANCE to appropriate funding for Crystal Spring Elementary improvements, Learn and Serve program, and two grants, amending and reordaining certain sections of the 2004-2005 School and School Capital Projects Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 42.)

Mr. Dowe moved the adoption of Ordinance No. 36792-071904. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY CODE-BUDGET-COMMITTEES: Council Member Fitzpatrick offered the following ordinance eliminating the Budget and Planning Committee:

(#36793-071904) AN ORDINANCE amending Chapter 2, Administration, Article XIV, Boards, authorities, commissions and committees, Division 2, Permanent committees, of the Code of the City of Roanoke (1979), as amended, by repealing §2-29, Budget and planning committee, in order to eliminate this committee created by and composed of the seven members of City Council; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 44.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36793-071904. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

CITY CODE-COMMITTEES-ROANOKE CIVIC CENTER: Council Member Dowe offered the following ordinance eliminating Council liaison representation on the Roanoke Civic Center Commission:

(#36794-071904) AN ORDINANCE amending Chapter 24, Public buildings and property generally, Article II, Civic Center, Division 2, Civic Center Commission, of the Code of the City of Roanoke (1979), as amended, by repealing Section 24-45.1, Council member liaison, in order to eliminate the requirement of a Council member liaison; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 45.)

Mr. Dowe moved the adoption of Ordinance No. 36794-071904. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:

ACTS OF ACKNOWLEDGEMENT - VIRGINIA AMATEUR SPORTS/COMMONWEALTH GAMES: Council Member Dowe commended staff and volunteers of the 15th Annual Virginia Commonwealth Games which were held in the City of Roanoke on July 16 - 18, 2004.

PARKS AND RECREATION: Council Member Dowe requested that the matter of installing air conditioning in the gymnasium at Eureka Park Recreation Center be referred to the City Manager for report to Council.

Without objection by Council, the Mayor advised that the matter would be referred to the City Manager for report to Council.

BONDS/BOND ISSUES-LEGISLATION: Council Member Wishneff requested that a letter from the City Attorney under date of July 2, 2004, with regard to advisory referenda be referred to the Legislative Committee for discussion prior to October 11, 2004, when the matter will be considered by the (Senate Local Government Committee.)

Without objection by Council, the Mayor advised that the matter would be referred to the Legislative Committee.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

STADIUM: Mr. William Bryant, 124 Fleming Avenue, N. E., spoke with regard to preserving/renovating Victory Stadium as an historic landmark.

BUDGET-COMPLAINTS-STADIUM-CIVIC CENTER: Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that the work session which was held at 12:00 noon regarding Victory Stadium should have been televised for viewing by the general public on RVT Channel 3. If the study by a proposed Council appointed committee includes constructing a stadium/amphitheater at the Orange Avenue/Williamson Road site, she asked that citizens of Gainsboro and Lincoln Terrace be taken into consideration inasmuch as the area currently bears the burden of noise, traffic and littering from events at the Roanoke Civic Center.

STADIUM-CIVIC CENTER-YOUTH: Mr. E. Duane Howard, 508 Walnut Avenue, S. W., commended Council on the Victory Stadium workshop which was held at 12:00 noon, and asked that any future studies include activities for youth such as gravity sports and their economic impact on the Roanoke Valley.

STADIUM: Ms. Pat Lawson, 1618 Riverside Terrace, S. E., spoke in support of preserving Victory Stadium for its historic value.

STADIUM-HOUSING/AUTHORITY-CITY EMPLOYEES: Mr. Robert Gravely, 729 Loudon Avenue, N. W., spoke with regard to the need for more affordable housing in the City of Roanoke, improved wages for City employees, the need to market Victory Stadium, and infrastructure improvements in the inner City.

CITY MANAGER COMMENTS:

SCHOOLS: The City Manager advised that she spoke at the 20th William Fleming High School Reunion on Saturday, July 17, 2004, which was attended by approximately 150 graduates, many of whom no longer reside in the City of Roanoke. She stated that the persons who were in attendance are the kinds of people that Roanoker's would like to welcome back to the City.

ACTS OF ACKNOWLEDGEMENT-ECONOMIC DEVELOPMENT: The City Manager advised that the Roanoke Valley Economic Development Partnership and the Roanoke City and Roanoke County Economic Development Departments received National Accreditation from the International Economic Development Council at a ceremony which was held on Monday, July 19, 2004, at The Jefferson Center. She stated that it was a significant occasion inasmuch as the City of Roanoke, Roanoke County and the Economic Development Partnership are the first city, county and regional organization in the nation to receive this distinction.

At 3:30 p.m., the Mayor declared the Council meeting in recess for four Closed Sessions.

At 4:40 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-COURT COMMUNITY CORRECTIONS BOARD-ROANOKE NEIGHBORHOOD PARTNERSHIP-VIRGINIA ALCOHOL SAFETY ACTION PROGRAM-FLOOD REDUCTION/CONTROL: The Mayor advised of the following expirations of terms of office on June 30, 2004:

Court Community Corrections
Program Regional Community
Criminal Justice Board

A. L. Gaskins,
George A. McMillan
William H. Cleaveland
(reappointment will be for terms
ending June 30, 2007)

Roanoke Neighborhood
Advocates

Richard J. Nichols
(reappointment will be for a
term ending June 30, 2007)

Regional Virginia Alcohol
Safety Action Program Policy
Board

A. L. Gaskins
(reappointment will be for a term
ending June 30, 2006)

Flood Plain Committee

E. L. Noell
(reappointment will be for a term
ending June 30, 2005)

Inasmuch as Mr. Cleaveland is not a resident of the City of Roanoke. Mr. Fitzpatrick moved that the City residency requirement be waived in this instance. The motion was seconded by Mr. Dowe and unanimously adopted.

Mr. Fitzpatrick placed in nomination the names of the above named persons.

There being no further nominations, the above named persons were reappointed to their respective committees for terms as above indicated by the following vote:

FOR MESSRS. GASKINS, McMILLIAN, CLEVELAND, NICHOLS, AND NOELL:
Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor
Harris-----7.

OATHS OF OFFICE-FIFTH PLANNING DISTRICT COMMISSION-
COMMITTEES: The Mayor advised that there is a vacancy on the Roanoke Valley
Allegheny Regional Commission to fill the unexpired term of R. Brian
Townsend, resigned, ending June 30, 2006; whereupon, he opened the floor for
nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of William D. Bestpitch.

There being no further nominations, Mr. Bestpitch was appointed as a
member of the Roanoke Valley Allegheny Regional Commission, to fill the
unexpired term of R. Brian Townsend, resigned, ending June 30, 2006, by the
following vote:

FOR MR. BESTPITCH: Council Members Dowe, Fitzpatrick, Lea, McDaniel,
Wishneff, Cutler and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-METROPOLITAN TRANSPORTATION
DISTRICT: The Mayor advised that there is a vacancy on the Roanoke Valley Area
Metropolitan Planning Organization to fill the unexpired term of William D.
Bestpitch, ending June 30, 2005; whereupon, he opened the floor for
nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of M. Rupert Cutler.

There being no further nominations, Mr. Cutler was appointed as a
member of the Roanoke Valley Area Metropolitan Planning Organization, to fill
the unexpired term of William D. Bestpitch, resigned, ending June 30, 2005, by
the following vote:

FOR MR. CUTLER: Council Members Dowe, Fitzpatrick, Lea, McDaniel,
Wishneff, Cutler and Mayor Harris-----7.

At 4:45 p.m., the Mayor declared the Council meeting in recess until
7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, July 19, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, and Mayor C. Nelson Harris-----7.

ABSENT:-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

PUBLIC HEARINGS:

ROANOKE CIVIC CENTER-LEASES-TELEPHONE EQUIPMENT: Pursuant to instruction by the Council, the City Clerk having advertised a public hearing for Monday, July 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber, with regard to a proposed lease of a portion of City-owned property located at the Roanoke Civic Center to Triton PCS, Inc., d/b/a SunCom, for construction and operation of a 110-foot flagpole communication facility and related equipment, the matter was before the body.

The Mayor advised of a request of G. Michael Pace, Jr., Attorney, to withdraw the matter; whereupon, without objection by Council, it was so ordered.

ZONING: Pursuant to Resolution No. 25523 adopted by Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, July 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to rezone a certain tract of land located at 2102 Grandin Road, S. W., Official Tax No. 1460101, from RS-1, Residential Single-Family District, to INPUD, Institutional Planned Unit Development District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 2, 2004, and Friday, July 9, 2004.

The City Planning Commission submitted a written report advising that the petitioner requests the rezoning of the 96.33 acre parcel of land from RS-1, Single-Family Residential, to INPUD, Institutional Planned Unit Development District, in order to construct one, three-story, 330,000 square foot building to replace the current 11-building campus configuration; the parcel of land will contain the high school building, Gibboney Hall (the one building to remain from the current Patrick Henry High School), the Governor's School, the Raleigh Court Library, the Raleigh Court Elementary School, and associated open space and recreational functions; and the petition to rezone was filed on May 6, 2004, and a First Amended Petition was filed on June 7, 2004.

It was explained that the proposed development is an effective reutilization of the existing site; the development plan details an increase in the amount of open space and decreases the amount of impervious surface area by 7.7 per cent for the site; and a centralized building approach, as opposed to the current sprawling multi-building configuration, provides an enhanced orientation to Grandin Road and reclaims more area for recreational and open space purposes.

The City Planning Commission recommended that Council approve the request for rezoning, given the proposed reuse of the existing site and its consistency with *Vision 2001-2020*.

Mr. Dowe offered the following ordinance:

(#36795-071904) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 146, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 46.)

Mr. Dowe moved the adoption of Ordinance No. 36795-071904. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter.

Richard A. Rife, Managing Partner, Rife and Wood, Architects, representing the City of Roanoke and the Roanoke City School Board, spoke in support of the request to rezone 96+ acres of land known as Shrine Hill Park which is the site of Patrick Henry High School, the Raleigh Court Branch Library, the Governor's School, and Raleigh Court Elementary School to allow for reconstruction of Patrick Henry High School. Working from schematic drawings, he reviewed building plans and advised that construction has begun and should be complete for occupancy in December, 2005.

Mr. Rife was requested to address landscaping; whereupon, he advised that the proffered site plan includes eight foot wide planting islands so that every row of parking will have a continuous row of trees in between and more trees will be planted on the site than currently exist.

Mr. Rife was also requested to address security features of the new building plan; whereupon, he advised that the front door faces Grandin Road and visitor's parking leads to the front door; a reception desk will be located inside the front door that will be staffed at all times and a second control point will be near the principal's office, with the goal of controlling access into the building at two points where ingress and egress can be monitored; an electronic locking system will be installed on all exterior doors similar to what might be found in an office building or a hotel; faculty members and staff will be issued magnetic cards and all cards will be coded so as to identify persons coming in and out of the building at any given time of day; if a door is propped open, an alarm will sound in the security office; an extensive camera security system with motion detectors which are tied into an intrusion detection system will be installed; and metal detectors are not planned at this time, although building design plans allow for installation in the future, if necessary.

There being no other persons who wished to be heard, the Mayor declared the public hearing closed.

There being no further discussion or comments by Council Members, Ordinance No. 36795-071904 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

TAXES-REAL ESTATE VALUATION: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, July 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the League of Older Americans, Inc., for exemption from local real estate taxation of real property located at 706 Campbell Avenue, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 9, 2004.

The City Manager submitted a communication advising that the League of Older Americans, Inc., which transacts business as LOA Area Agency on Aging, owns the property known as Tax Map Nos. 1113202 and 1113201, located at 706 Campbell Avenue, S. W.; and the primary purpose of the LOA is to provide services for the elderly, including Meals on Wheels, congregate meals, transportation, case management, ombudsman, Title V employment opportunities, foster grandparents and senior companions to persons in need; and annual taxes due for fiscal year 2004-2005 on the two parcels of land are \$964.37 on an assessed value of \$79,700.00.

It was further advised that on May 19, 2003, Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City of Roanoke pursuant to Resolution No. 36331-051903, adopting the revised Process for Determination of Property Tax Exemption dated May 19, 2003, effective January 1, 2003; and the League of Older Americans, Inc., has provided the necessary information required as a result of adjustments made to the revised local policy prior to the deadline of October 15, 2004, which is the deadline for applications for exemptions that would take effect on January 1, 2005.

The City Manager stated that according to the Commissioner of the Revenue's Office, the loss of revenue to the City will be \$771.50 after a 20 per cent service charge is levied by the City in lieu of real estate taxes, which service charge will be \$192.87; the Commissioner of the Revenue has determined that the organization is currently not exempt from paying real estate taxes on the property known as Tax Map Nos. 1113202 and 1113201 by classification or designation under the Code of Virginia; and the IRS recognizes the LOA as a 501(c) 3 tax-exempt organization.

The City Manager recommended that Council authorize the League of Older Americans, Inc. (LOA) exemption from real estate property taxation, pursuant to Article X, Section 6 (a) 6 of the Constitution of Virginia, effective January 1, 2005, for property known as Tax Map Nos. 1113202 and 1113201, located at 706 Campbell Avenue, S. W., if the organization agrees to pay the subject service charge by that date.

Mr. Cutler offered the following ordinance:

(#36796-071904) AN ORDINANCE exempting from real estate taxation certain property of the League of Older Americans, Inc., located in the City of Roanoke, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 48.)

Mr. Cutler moved the adoption of Ordinance No. 36796-071904. The motion was seconded by Mr. Fitzpatrick.

Susan B. Williams, representing the League of Older Americans, Inc., appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36796-071904 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

COMMUNITY PLANNING-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, July 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on amendment of Vision 2001-2020, the City's Comprehensive Plan, to include the Riverland/Walnut Hill Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 2, 2004 and Friday, July 9, 2004.

The City Planning Commission submitted a written report advising that the Riverland/Walnut Hill neighborhood plan covers a small area directly south of downtown Roanoke defined by the Roanoke River to the north and Mill Mountain to the south; staff facilitated three public workshops with residents and business owners in the fall of 2003 and in the spring of 2004; and based on input from the public workshops, the neighborhood plan designates six priority initiatives for the neighborhood:

- Traffic calming
- Housing maintenance and upkeep
- Encouraging a vibrant village center
- Minimizing flooding damage
- Enhancing the Walnut Avenue Gateway
- Protecting the Roanoke River and Mill Mountain
- The document is organized into six plan elements. The following represents policies selected from each plan element section set forth to address the neighborhood's priority initiatives:

Residential Development

- Zoning patterns will support housing revitalization and desired future residential land use patterns and encourage the preservation of single-family housing.

Community Design

- Develop site specific plans for the Walnut Avenue gateway, neighborhood village center, and other major streets discussed in the plan.

Economic Development

- Encourage a vibrant village center in terms of appropriate form, scale, and activity; map zoning patterns to allow medium-density residential development in and around the village center.

Infrastructure

- Support efforts to reduce flooding and potential damage to personal property.

Public Services

- Aggressively enforce housing maintenance codes and use public nuisance abatement ordinances to compel compliance; and encourage citizen participation in the identification of code violations.

Quality of Life

- Increase recreational usage of the area along the Roanoke River by completing the Roanoke River Greenway as part of the Roanoke River Flood Reduction Project; and the goal is to provide a formal path for exercising and enjoying the riverfront.

The City Planning Commission recommended that Council adopt the Riverland/Walnut Hill Neighborhood Plan as a component of *Vision 2001-2020*.

Mr. Fitzpatrick offered the following ordinance:

(#36797-071904) AN ORDINANCE approving the Riverland/Walnut Hills Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Riverland/Walnut Hills Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68, Page 50.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36797-071904. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

Council Member Cutler called attention to a high volume of traffic on Laurel Avenue which was not designed to handle heavy traffic, and inquired as to how motorists might be encouraged to use an alternate route; whereupon, Mr. Townsend advised that a study is needed to determine if other traffic patterns could be enhanced.

Council Member Cutler called attention to new infill housing construction along Riverland Road and inquired as to ways to control infill housing; whereupon, Mr. Townsend advised that infill housing can be controlled through the historic district route, or neighborhood design district overlay regulations; and neighborhood design districts will be applied as a part of the new zoning ordinance update and the Riverland Road neighborhood will be evaluated accordingly.

Dr. Cutler advised that he has been a long time advocate of a park along the entire length of the Roanoke River within the City of Roanoke from the City of Salem to the Town of Vinton; parks exist along the Roanoke River in the City including Piedmont Park, but there are numerous stretches of the Roanoke River that are without any kind of park or protected zoning and were negatively affected when interceptor sewers were constructed, trees were cut, and rip rap was installed. He further advised that the Plan offers an opportunity to consider identification of a Roanoke River Parkway from one side of the City to the other that would provide policy direction for those entities that are associated with the flood control project, utility construction, etc. He stated that the area along the banks of the Roanoke River through the City of Roanoke should be regarded as a recreational, conservation and tourist economic development opportunity, and should be treated accordingly. Therefore, he inquired if language could be included in the Plan to clarify that the Roanoke River area is considered to be a special zone.

Mr. Townsend responded that the last page of the future land use plan identifies the entire length of the Roanoke River as being recreation open space; the proposed new zoning ordinance includes two tools that are intended toward that end: i.e.: first is a river and creek overlay that would be applied to any land that abuts the Roanoke River and its tributaries, which provide limitations on land disturbing activities in the first 50 feet of the buffered areas, and the second is use of the recreation open space zoning district which would apply to all publicly owned lands adjacent to the Roanoke River. He stated that

one of the issues to be looked at with adoption of the creek and river overlay district is the need to some degree to exempt public infrastructure projects from land disturbing prohibitions, which in most cases are by necessity.

Council Member Cutler called on the City Manager for a response in regard to designating a linear park along the length of the Roanoke River within the City of Roanoke as it relates to existing publicly owned land; whereupon, the City Manager advised that the suggestion could be reviewed by City staff because more information is needed in regard to what portion of the land is owned by the City and what portion is held in private ownership. She stated that she would be willing to invest staff time in reviewing how much property is owned by the City along the Roanoke River, where gaps in ownership occur, and bring the matter back to the Council for policy direction.

Council Member Dowe advised that several months ago, he participated in an aerial tour of the City in order to view the Roanoke River. He called attention to the need to make the Roanoke River look "different" while the City engages in discussions with Carilion Medical Center regarding the bio medical park, and suggested that the idea be kept in mind for future planning purposes.

There being no other persons who wished to be heard, the Mayor declared the public hearing closed.

There being no further discussion or comments by Council Members, Ordinance No. 36797-071904 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

OTHER BUSINESS:

ARCHITECTURAL REVIEW BOARD: A petition filed by Stephanie Brown, representing Southern Property Investments, Inc., appealing a decision of the Architectural Review Board, which was rendered on May 13, 2004, that no Certificate of Appropriateness be issued with regard to property located at 422/424 Woods Avenue, S. W., for the installation of vinyl siding, was before Council.

Ms. Brown advised that:

- On Monday, March 22, 2004, her contractor began to apply vinyl siding to the house at 422 Woods Avenue, S. W., and no building permit was required.
- On Friday, March 26, 2004, City staff posted a stop work notice on the house, pursuant to Section 36.1-345 of the zoning ordinance.
- She immediately contacted the Agent to the Architectural Review Board and was informed that vinyl siding is no longer allowed in the historic neighborhood.
- She was provided with literature on the City's rules and regulations which state that vinyl siding is permitted.
- Upon researching the City's website, she was unable to find information that her property is located in an H-2 District and that the neighborhood is held to stricter zoning regulations than the remainder of the City.
- She was informed by the Agent to the Architectural Review Board that the Board approves vinyl siding only in the most severe cases; however, the house at 412 Woods Avenue, which is two doors down from her house, was granted a Certificate of Appropriateness.
- On May 13, 2004, she presented a proposal to the Architectural Review Board to use Dutch lap wood grain siding that matched the design of the wood siding currently on the house and advised the Board that there were no plans to cover the front porch, front windows and shutters of the house which would be painted to complement the vinyl siding being applied.
- The Architectural Review Board has expressed concern with regard to the street scape of the neighborhood; however, a wide range of building materials have been and are currently being used; i.e.: brick, wood, vinyl siding, asbestos, concrete block and stucco; and there are 15 houses on her block, ten of which are covered in vinyl siding.

- She received no public notice prior to a postcard from the City dated April 20, 2004, which was ten days after her application.
- She was declined a Certificate of Appropriateness because the Architectural Review Board no longer accepts vinyl siding; nothing exists in writing that vinyl siding is no longer permitted, therefore, how can she, legally, be denied the right to install vinyl siding on the house.

Robert N. Richert, Chair, Architectural Review Board, advised that:

- In April 2004, a citizen advised staff that vinyl siding was being applied to the house at 422 Woods Avenue, S. W., which is within the H-2, Neighborhood Preservation District.
- The Agent to the Architectural Review Board (ARB) followed up on the complaint and met with Ms. Brown to discuss the project and to arrange for the required design review.
- Ongoing work on the house was stopped pending review by the Architectural Review Board.
- The two-story frame house was built in 1920 and remains in good condition.
- Staff advised Ms. Brown that replacement of siding required a Certificate of Appropriateness issued by the ARB and Ms. Brown indicated that she was unaware that a Certificate of Appropriateness was required for vinyl siding.
- Ms. Brown filed an application for a Certificate of Appropriateness which was considered by the ARB on May 13, 2004, at which time she stated that she did not want to paint the house and that vinyl siding was more economically viable on an investment property.
- ARB members expressed concern that the architectural details of the house had been lost as a result of the addition of vinyl siding to the soffits and window details, and the Board further advised that it was trying to protect the streetscapes of the neighborhood; wood siding is a character-defining feature of the house, which contributes to the streetscape of the neighborhood; and Ms. Brown stated that she was willing to remove the vinyl from the soffits and windows as long as she could use the vinyl siding on the house.

Mr. Richert further advised that considerations by the Architectural Review Board include:

Section 36.1-345(a) of the Zoning Ordinance provides:

"In order to encourage the preservation and enhancement of the district and encourage rehabilitation and new construction in conformance with the existing scale and character of the district, the architectural review board shall review and approve the erection of new buildings or structures, including signs, the demolition, moving, reconstruction, alteration or restoration, of existing structures and buildings, including the installation or replacement of siding, or reduction in the floor area, including the enclosure or removal of a porch. No such erection, demolition, moving, reconstruction, alteration, restoration, or enlargement or reduction of a structure, or building, shall be undertaken without the issuance of a certificate of appropriateness by the board, unless otherwise specified herein."

- The H-2 Architectural Design Guidelines adopted by the ARB and endorsed by Council state that historic wood siding is a distinctive feature of many Roanoke residences and that changing or covering siding can often alter or destroy the authentic character of a building.
- The guidelines also state that the application of synthetic siding is inappropriate because it can trap moisture and hide damage that needs to be repaired; and it is applicable only in the most severe cases where the Board finds it necessary to save a building.
- The guidelines further recommend the following be considered for synthetic siding:
 - Do not replace sound historic siding with new materials to achieve an "improved" appearance.
 - Historic wood siding is a distinctive feature that helps to define the visual characteristics of a building
 - Both new and historic siding requires periodic maintenance to give a building proper weather protection
 - Match the historic material in dimension, profile, texture, and reliefs
 - Retain existing siding: identify and keep the original exterior siding materials as well as any unique siding

- There have been two previous appeals to Council related to vinyl siding; in June 2003, Dana Walker, representing Hall & Associates, appealed the Board's decision to deny his application of vinyl siding at 702 Marshall Avenue, S. W., and Council unanimously upheld the Board's decision.
- In September, 2003, Lewis Burger appeared before the Board to obtain a Certificate of Appropriateness for the installation of vinyl siding that he had applied to his rental property at 802-804 Marshall Avenue, S. W., the Board denied his application and in December, 2003, Council upheld the Board's decision to deny the application.
- Since January 2001, the Architectural Review Board has approved four applications for vinyl siding; and with these projects, the applicants provided sufficient detail and proposed to apply the materials in a manner that preserved the character-defining features of the house.

Mr. Richert stated that the Architectural Review Board recommends that Council affirm its decision to deny the issuance of a Certificate of Appropriateness.

Mr. Kevin Earl, 529 Day Avenue, S. W., requested that Council reaffirm the decision of the Architectural Review Board to protect the historic character of the neighborhood and to provide consistency in the manner in which rules and regulations are enforced. He stated that while he is sensitive to the cost and labor intensity that is involved in maintaining an older home, all persons living in Old Southwest made a choice to live in a historic neighborhood and to maintain a historic home, therefore, it is their responsibility to maintain the home in an appropriate manner that will not conflict with the mission of the City and the historic neighborhood of Old Southwest.

Jackie Cannaday, 424 Washington Avenue, S. W., President, Old Southwest, Inc., spoke in opposition to the installation of vinyl siding on the house at 422 Woods Avenue, S. W., for the following reasons: there is nothing wrong with the house, other than the need for periodic painting; vinyl siding distorts the character of the house by hiding clapboarding and other decorative trims; and the house is located in one of Roanoke's historic districts. She stated that the preservation community strongly objects to the use of vinyl siding in historic districts; and it is the responsibility of Council to decide the caliber of the historic districts that will be passed on to future generations.

Bruce Munsey, 523 Woods Avenue, S. W., past President, Old Southwest, Inc., requested that Council reaffirm the decision of the Architectural Review Board. He stated that people living in the H-2 District should be held accountable for improvements to their property that support the H-2 guidelines.

Ms. Peggy Overton, 547 Mountain Avenue, S. W., advised that she has lived in the Old Southwest neighborhood for approximately 50 years at locations ranging from Day Avenue to Woods Avenue, and people living in Old Southwest should be more concerned about drug trafficking and prostitution, etc., rather than how their neighbors repair older homes in the area.

Mr. Wes Dearing, 2512 Jefferson Street, owner of property located in the 400 block of Woods Avenue, S. W., spoke on behalf of the request of Ms. Brown. He advised that Ms. Brown was not provided with the appropriate information by the City that vinyl siding is not a permitted use and no building permit is required for the installation of siding. He stated that considering the amount of money that Ms. Brown has already invested in the house, she should be allowed to complete the installation of vinyl siding.

Mr. Jim Hanes, 526 Marshall Avenue, S. W., advised that he has renovated five houses in the Old Southwest neighborhood and spoke against the installation of vinyl siding on older historic homes. He called attention to structural problems that can be caused by vinyl siding; the house in question could have been painted for approximately \$15,000.00; Ms. Brown is caught in a position where times are changing and Council should say no to vinyl siding and seek changes to State statutes, if necessary, so as to enforce the City's position. He requested that Council reaffirm the decision of the Architectural Review Board to deny a Certificate of Appropriateness.

Council Member Dowe inquired about the City's efforts to inform property owners that they live in an historic neighborhood and that certain guidelines are applicable to the historic districts; whereupon, Mr. Richert advised that postcards were mailed in April to Old Southwest property owners; staff has reviewed the feasibility of including sign-off sheets at real estate closings; it would be helpful if the H-2 classification were listed on the GIS web site; signs are currently posted on Old Southwest streets that the area is an historic district; information is included in the neighborhood newsletter; postings are included on message boards in Highland Park; Old Southwest Parlor Tours are conducted each year to encourage people to visit the neighborhood; special sessions have been held with realtors to heighten their awareness of the historic district and applicable restrictions; and, when requested, staff of the Building and Community Planning Department review guidelines with property owners.

The City Manager called attention to plans by the Director of Real Estate Valuation to provide information to new property owners with regard to the historic districts at the time of property transfer; and she will confer with the City Attorney on ways, if any, to legislate a building permit for roof, windows and siding replacement/installation.

Council Member Wishneff expressed concern that information disseminated by the City was not updated; whereupon, he read the following from a pamphlet presented by Ms. Brown: "While vinyl siding is discouraged in the district because it is not an historic material, it is permitted." He noted that further applications for vinyl siding have been approved since 2001 when they were done in such a way that preserved the character defining features of the house; whereupon, he inquired if that is a standard that Ms. Brown is willing to meet.

Mr. Townsend clarified that in 2003, amendments were made to the guidelines related to vinyl siding, and there was no prohibition against vinyl siding, but guidelines were clarified to state that a Certificate of Appropriateness is necessary. He stated that the pamphlet referred to by Council Member Wishneff is a previous version of the document that Ms. Brown obtained after the fact and she did not obtain the pamphlet prior to the time that she initiated the work. He added that the pamphlet has been updated and states that a Certificate of Appropriateness is required, although it does not state that vinyl siding is prohibited, but is allowable by Certificate of Appropriateness, subject to consideration by the Architectural Review Board and that the architectural defining features of the structure are maintained.

There was discussion between Council Member Wishneff and Mr. Townsend regarding a statement made by Ms. Brown that she is willing to do whatever is necessary to meet the architectural defining features of the house, and whether or not the Architectural Review Board afforded her the opportunity to do so. Mr. Townsend responded that Ms. Brown stated at the ARB meeting that she was open for compromise and was willing to remove the vinyl siding from the eaves and from the windows and paint the house; however, it is the purview of the Architectural Review Board to determine whether such is sufficient to maintain the historical characteristics of the house, and, following discussion, the Architectural Review Board was still of the opinion that what Ms. Brown proposed to do was not sufficient to meet the Board's satisfaction.

Council Member Lea advised that he was impressed by Ms. Brown's forthrightness and attitude, and although he has a great deal of respect for the historical integrity of the Old Southwest neighborhood, he also has a concern for business people in the community.

Council Member Cutler inquired if more complete information could be provided to residents of the historic district, in lieu of a postcard which could incorporate more complete information on the goals of Old Southwest and guidelines that apply to the historic districts.

Mr. Townsend responded that the postcard, which is mailed to property owners in the H-1 and H-2 Districts, is intended to be a reminder that they should contact Planning, Building and Code Enforcement prior to proceeding with any exterior improvements to their property. He stated that part of the problem is that property in Old Southwest continues to change ownership and persons purchase property in the area who reside in other localities. He mentioned the possibility of including information regarding Old Southwest and the historic guidelines in the Welcome to Roanoke program that was recently initiated by the City.

Based upon evidence, testimony and documents, Mr. Cutler moved that Council affirm the decision of the City of Roanoke Architectural Review Board, which was rendered on May 13, 2004, that no Certificate of Appropriateness be issued for the installation of vinyl siding at 422/424 Woods Avenue, S. W., as set forth in the Petition of Appeal, on the grounds that the installation is not compatible with the architectural defining features of the building. The motion was seconded by Mr. Dowe.

Council Member McDaniel advised that she is sympathetic to Ms. Brown's situation; however, she is sensitive to and appreciative of the efforts of residents of Old Southwest and the battles they have fought for many years and continue to fight to protect the integrity of their neighborhood. She suggested that the City's postcard be mailed to property owners at the beginning of the calendar year, as opposed to during the month of April, before property owners begin to engage in spring improvement projects.

Vice-Mayor Fitzpatrick referred to the previous remarks of Ms. Peggy Overton with regard to alleged drug trafficking and prostitution, etc., in the Old Southwest neighborhood, and asked that the matter be referred to the City Manager for investigation. He requested that the City Manager identify a better means of informing residents of Old Southwest of their responsibilities as property owners, as well as the City's responsibilities. He suggested that Old Southwest, Inc., consider locating kiosks at key locations in Old Southwest which will include information on guidelines relating to the historic district.

Ms. Brown expressed confusion that if the City does not want vinyl siding in the historic neighborhoods, why is vinyl siding still offered for a Certificate of Appropriateness by the Architectural Review Board.

As a matter of procedure, Mr. Townsend clarified that the change that was made in September, 2003 was intended to clarify that a Certificate of Appropriateness is necessary if vinyl siding is to be approved by the Architectural Review Board; guidelines identify synthetic sidings, but do not use the term vinyl per se; it is under the purview of the Architectural Review Board to determine whether or not the application maintains the historic character of the architecture, so while it is indicated in the guidelines that vinyl siding is not encouraged, it is not prohibited, and the Board has set high standards in terms of when vinyl siding would be appropriate based on conditions of the existing siding and based on how the applicant proposes to install the siding over existing material.

There was discussion as to whether or not any further review or concession(s) by Ms. Brown might resolve the issue; whereupon, Mr. Richert presented an overview of the process to obtain a Certificate of Appropriateness which involves meeting with ARB staff and a Design Review Committee prior to the regular Architectural Review Board meeting to discuss the petition, and advised that frequently Board members will meet with a petitioner in an effort to address the request based on their individual experiences. With reference to the application of vinyl cladding, he stated that State law does not allow the prohibition of specific materials; the Architectural Review Board has raised the bar in this regard and requires information on the current condition of the house, and guidelines are clear and have always been clear that siding is not a viable option if maintenance is the issue. He further stated that the Architectural Review Board is reluctant to spend time "designing" people out of a problem that they created for themselves when they proceed without consideration and procedural approval.

Council Member Wishneff advised that when the City Manager submits the housing plan later this year, it is hoped that bold steps will be included to "jump start" areas like Old Southwest. He expressed concern that Ms. Brown was caught up in an evolving situation and it is hoped, through further clarification, that property owners in Old Southwest will have a clearer understanding of the guidelines applicable to the historic districts so that these types of situations will not continue to occur in the future.

The Mayor advised that the Old Southwest historic district is not "teetering", but is, in fact, doing remarkably well. He stated that the area has been an historic district for approximately 17 years; typically, the pattern of many of the appeals that come before Council involve a property owner who started a project without having gone to the Architectural Review Board and obtained a Certificate of Appropriateness, and, in the midst of the project, it is called to their attention, either by a neighbor or City staff, that they should have acquired a Certificate of Appropriateness from the ARB. He added that it is difficult to understand how, after a neighborhood has been an historic district for 17 years, that property owners and those persons who reside in Old Southwest, are not aware of the historic guidelines; therefore, he stated that the burden rests with the individual property owner and not with the Architectural Review Board.

Mr. Fitzpatrick called for the question. The motion was seconded by Mr. Dowe and adopted.

The motion offered by Mr. Cutler, seconded by Mr. Dowe, was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, McDaniel, Cutler and Mayor Harris-----5.

NAYS: Council Members Lea and Wishneff-----2.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

POLICE DEPARTMENT-COMPLAINTS-DRUGS/SUBSTANCE ABUSE: Mr. Leon Slate, 4611 Edgelawn Avenue, N. W., expressed concern with regard to unsafe living conditions in his neighborhood; i.e.: unsolved murders, prostitution and drugs.

ARMORY/STADIUM-SCHOOLS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of renovating Victory Stadium. Instead of constructing a new stadium/amphitheater, he stated that the funds should be used for a salary increase for teachers and to decrease the number of students in school classrooms.

There being no further business, the Mayor declared the meeting adjourned at 8:50 p.m.

APPROVED

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
